



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

June 1, 1939

Honorable Joe J. Fisher  
District Attorney  
San Augustine, Texas

Dear Sir:

Opinion No. 9-798  
Re: Purchase of transportation  
vouchers by county school  
board members.

We are in receipt of your letter of May 8, 1939, in which you request the opinion of this Department upon the question of whether a member of the county school board may buy county board transportation vouchers.

Article 871, Penal Code, provides as follows:

"Any officer of any county or of any city or town who shall contract directly or indirectly, or become in any way interested in any contract for the purchase of any draft or order on the treasurer of such county, city or town, or for any jury certificate or any other debt, claim or demand for which said county, city or town may or can in any event be made liable, shall be fined not less than ten nor more than twenty times the amount of the order, draft, jury certificate, debt, claim or liability so purchased or contracted for. Within the term 'officer', is included ex-officers until they have made a final

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settlement of their official accounts."

In *Scherz v. Telfer* (T. C. A., 1934) 74 S. W. (2) 327, the court stated:

"It is now settled that a school trustee is a county officer, required to take the constitutional oath, and that a contest of his election is referable to the general law. *Fowler v. Thomas* (T. C. A.) 275 S. W. 353, and cases there cited."

While the above case and the other cases on this point which have come to our attention were directly concerned with district school trustees, we are of the opinion that the same rule would be applicable to county school trustees in this respect, and that they are county officers.

It is, therefore, our opinion that a member of the county school board is prohibited from buying county board transportation vouchers of his county.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Cecil C. Cammack  
Assistant

CCC:BBB

APPROVED

ATTORNEY GENERAL OF TEXAS

APPROVED  
Opinion Committee

By H.Q.B. Isigned)  
chairman